

FD-32672

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**FINNEGAN, CONRAD & PETERSON**

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JEREMIAH D. FINNEGAN  
STUART W. CONRAD  
C. EDWARD PETERSON\*

\*ALSO ADMITTED IN  
KANSAS AND MASSACHUSETTS

February 28, 1995

Office of the Secretary  
Interstate Commerce Commission  
Room 2310  
Washington, D.C. 20423-0001

RE: **Rail Notice of Exemption**  
**Smoky Hill Railway & Historical Society**

Dear Sir/Madam:

Enclosed find the following:

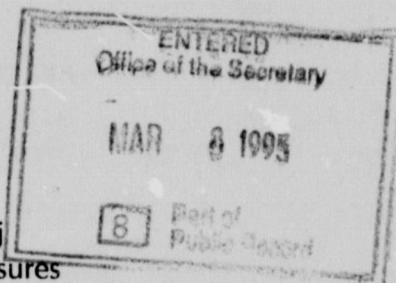
1. An original and 11 copies of the Verified Notice of Exemption;
2. An original and 11 copies of the Caption Summary;
3. A check in the amount of \$950.00 as the filing fee; and
4. A self-addressed, stamped envelope.

Please file and call to the attention of the Commission the original and 10 copies.

Please return to me the extra copy of the Verified Notice and Caption Summary with the file stamp on it in the self-addressed and stamped envelope.

JDF:dj  
Enclosures

cc: Monte Olsen



Very truly yours,

*Jeremiah D. Finnegan*  
Jeremiah D. Finnegan

**FILED**  
MAR 6 1995  
INTERSTATE  
COMMERCE COMMISSION

RECEIVED  
OFFICE OF THE  
SECRETARY  
MAR 6 10 19 AM '95  
LICENSING BRANCH

FD 32672

0100552003

BEFORE THE INTERSTATE COMMERCE COMMISSION

In Re Smoky Hill Railway and  
Historical Society, Incorporated )  
General Secretary )

F.D. No.

32672

MAR 8 1995

VERIFIED NOTICE OF EXEMPTION

COMES NOW Smoky Hill Railway and Historical Society, Incorporated, Applicant, by its attorney, Jeremiah D. Finnegan, and for its Notice of Exemption states as follows:

1. The full name and address of the Applicant is:

Smoky Hill Railway and Historical Society, Incorporated  
502 S. Walnut Street  
Belton, Missouri 64012

2. The name, address and telephone number of the representative of the Applicant who should receive correspondence is:

Monte Lee Olsen, President and  
Smoky Hill Railway and  
Historical Society  
502 S. Walnut Street  
Belton, Missouri 64012  
(816) 331-0630

Jeremiah D. Finnegan, Esq.  
Finnegan, Conrad & Peterson  
3100 Broadway, Suite 1209  
Kansas City, Missouri 64111  
(816) 753-1122

3. An agreement has been reached between Applicant and the Burlington Northern Railroad on September 5, 1990, in which Applicant would acquire a portion of Burlington Northern's East Lynn[e] Missouri Branch Line between Mileposts 25.9 and 37.7.

4. The name of the operator of the property is Smoky Hill Railway and Historical Society, Incorporated, a not-for-profit corporation.

5. Applicant entered into an agreement on September 5, 1990, to acquire a portion of the East Lynn[e] Missouri Branch Line of the Burlington Northern Railroad:

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COMMERCE COMMISSION



i) The name and address of the transferor is:

Burlington Northern Railroad  
c/o Blane Pound, Regional Manager  
Logistics and Property  
6851 N.E. Loop 820  
Suite 400  
Fort Worth, Texas 76180

ii) The property was conveyed to Applicant on September 5, 1990, and Applicant is currently operating the property primarily as a tourist railroad in connection with its railroad museum;

iii) The mileposts of the subject property are: East Lynn[e] Branch Line approximately MP 25.9 to 37.7;


iv) The total route miles is 11.8 miles.

6. Attached hereto as Schedule 1 and incorporated by reference herein is a map indicating the area to be served, including origins, termini, stations, cities, counties and states.

7. Applicant certifies that its annual operating revenues for the years 1991, 1992 and 1993 have not exceeded \$100,000 and it projects that its annual operating revenues for the near or distant future would never approach, much less exceed, \$20,000,000.

WHEREFORE, for the foregoing reasons, Applicant prays that the Commission exempt its acquisition and operation of the line on the grounds that compliance with the requirements governing acquisitions and operations: (1) is not necessary to carry out the rail transportation policy of Section 10101a of Title 49 of the United States Code; and (2) the transportation is of limited scope or regulation is not necessary to protect shippers from the abuse of market power.

Respectfully submitted,  
FINNEGAN, CONRAD & PETERSON

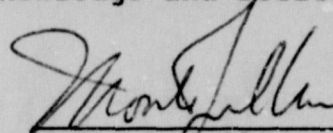
  
JEREMIAH D. FINNEGAN, #18416  
1209 Penntower Building  
3100 Broadway  
Kansas City, Missouri 64111  
(816) 753-1122  
(816) 756-0373 Facsimile

ATTORNEYS FOR APPLICANT

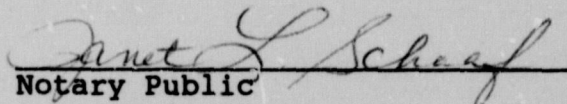
VERIFICATION

STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF JACKSON    )

COMES NOW Monte Lee Olsen and after first being duly sworn states upon his oath that he is the President of Applicant, Smoky Hill Railway and Historical Society, Incorporated and the information contained in this Verified Notice of Exemption is true and accurate to the best of his knowledge and belief.

  
Monte Lee Olsen

Executed and sworn to before me this 29<sup>th</sup> day of November, 1994, by Monte Lee Olsen, to me known to be the person described in the foregoing instrument.

  
Notary Public

My Commission Expires:

JANET L. SCHAAF  
Notary Public - State of Missouri  
Commissioned in Cass County  
My Commission Expires 11-22-97





INTERSTATE COMMERCE COMMISSION  
NOTICE OF EXEMPTION  
FINANCE DOCKET NO. \_\_\_\_\_

Smoky Hill Railway and Historical Society, Incorporated  
-- EXEMPTION TO ACQUIRE AND OPERATE --  
Burlington Northern Railroad's  
East Lynn[e] Branch Line (M.P. 25.9 - 37.7)

Smoky Hill Railway and Historical Society has filed a notice of exemption to acquire and operate Burlington Northern Railroad's East Lynn[e] Branch Line between Mileposts 25.9 and 37.7. Comments must be filed with the Commission and served on Monte Lee Olsen, President, Smoky Hill Railway and Historical Society, Incorporated, 502 S.W. Walnut Street, Belton, Missouri 64012 and Jeremiah D. Finnegan, Finnegan, Conrad & Peterson, 3100 Broadway, Suite 1209, Kansas City, Missouri 64111.